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Forty-ninth session
SIXTH COMMITTEE
Agenda item 137

REPORT OF THE INTERNATIONAL LAW COMMISSION
ON THE WORK OF ITS FORTY-SIXTH SESSION

France: draft resolution

Establishment of an international criminal court

The General Assembly,

Recalling its resolution 47/33 of 25 November 1992, in which it requested the International Law Commission to undertake the elaboration of a draft statute for an international criminal court,

Recalling also its resolution 48/31 of 9 December 1993, in which it requested the International Law Commission to continue its work on the question of the draft statute for an international criminal court with a view to elaborating a draft statute for such a court, if possible at the Commission's forty-sixth session in 1994,

Noting that the International Law Commission adopted a draft statute for an international criminal court at its forty-sixth session and decided to recommend that an international conference of plenipotentiaries be convened to study the draft statute and to conclude a convention on the establishment of an international criminal court,

Expressing deep appreciation for the offer of the Government of Italy to host a conference on the establishment of an international criminal court,

1. Welcomes the report of the International Law Commission on the work of its forty-sixth session, 1/ including the recommendations contained therein;

2. Decides to establish an ad hoc committee open to all States Members of the United Nations or of specialized agencies to review the major substantive and administrative issues arising out of the draft statute prepared by the International Law Commission and, in the light of such review, to consider arrangements for the convening of an international conference of plenipotentiaries;

3. Further decides that the ad hoc committee will meet from 3 to 13 April 1995 and, if it so decides, from 14 to 25 August 1995, and present its report to the General Assembly at the beginning of its fiftieth session, and requests the Secretary-General to provide the working group with the necessary facilities for the performance of its work;

4. Invites States to submit to the Secretary-General, before 15 March 1995, written comments on the draft statute for an international criminal court, and requests the Secretary-General to invite such comments from relevant international organs;

5. Requests the Secretary-General to present to the ad hoc committee a preliminary report with provisional estimates of the staffing, structure and costs of the establishment and operation of an international criminal court;

6. Decides to include in the provisional agenda of its fiftieth session an item entitled "Establishment of an international criminal court", in order to study the report of the ad hoc committee and the written comments submitted by States and to decide on the convening of an international conference of plenipotentiaries to conclude a convention on the establishment of an international criminal court including on the timing and duration of the conference.

1/ Official Records of the General Assembly, Forty-ninth Session, Supplement No. 10 (A/49/10).

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Agenda item 143

CONVENTION ON JURISDICTIONAL IMMUNITIES OF STATES AND THEIR PROPERTY

Draft resolution proposed by the Chairman

The General Assembly,

Having received from the International Law Commission the set of articles on jurisdictional immunities of States and their property 1/ adopted by the Commission at its forty-third session,

Recalling that the International Law Commission recommended that an international conference of plenipotentiaries be convened to examine the articles and to conclude a convention on the subject, 2/

Having considered the articles at its forty-sixth to forty-ninth sessions, including in a working group and in consultations aimed at considering the issues of substance arising out of the draft articles, with the purpose of identifying and attenuating the differences of views concerning such issues in order to facilitate the conclusion of a convention through general agreement,

Having considered the reports of the Working Group established at its forty-seventh session 3/ and forty-eighth session 4/ and of the consultations held at its forty-ninth session, 5/

1/ Official Records of the General Assembly, Forty-sixth Session, Supplement No. 10 (A/46/10), chap. II, sect. D.

2/ Ibid., sect. B, para. 25.

3/ A/C.6/47/L.10.

4/ A/C.6/48/L.4 and Corr.2.

5/ A/C.6/49/L.2.

1. Accepts the recommendation of the International Law Commission that an international conference of plenipotentiaries be convened to consider the articles on jurisdictional immunities of States and their property and to conclude a convention on the subject;

2. Invites States to submit to the Secretary-General their comments on the conclusions of the Chairman of the informal consultations held pursuant to General Assembly decision 48/413 of 9 December 1993, as well as on the reports of the Working Group established under General Assembly resolution 46/55 of 9 December 1991 and decision 47/414 of 25 November 1992;

3. Decides to resume consideration at its fifty-second session of the issues of substance, in the light of the reports mentioned above and the comments submitted by States thereon, and to decide, at its fifty-second or fifty-third session, on arrangements for the conference, including the date and place, due consideration being given to ensuring the widest possible agreement at the conference;

4. Also decides to include in the provisional agenda of its fifty-second session the item entitled "Convention on jurisdictional immunities of States and their property".